

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND DIVISION**

ANDREA RAYBURN, )  
vs. Plaintiff, ) Case No.: 1:12-cv-2454  
SUNRISE CREDIT SERVICES, INC., ) PLAINTIFF'S COMPLAINT  
Defendant. ) AND DEMAND FOR JURY TRIAL

**VERIFIED COMPLAINT**

ANDREA RAYBURN, ("Plaintiff"), through the undersigned counsel, ALEX SIMANOVSKY & ASSOCIATES, LLC, alleges the following against SUNRISE CREDIT SERVICES, INC., ("Defendant"):

**INTRODUCTION**

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

3. Defendant conducts business in the state of OHIO, and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(1).

5. Declaratory relief is available pursuant to 28 U.S.C. 2201 and 2202.

**PARTIES**

6. Plaintiff is a natural person residing in North Ridgeville, OH.
7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).
8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.
9. Defendant is a national company, with its corporate office located at: Sunrise Credit Services, Inc., 260 Airport Plaza, Farmingdale, NY 11735.
10. Defendant, in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

**FACTUAL ALLEGATIONS**

**A. DEBT**

11. Plaintiff incurred a financial obligation in the approximate amount of \$76.06 (the "Debt") to Avon Products (the "Creditor").
11. The Debt arose from services allegedly provided by the Creditor which were primarily for family, personal or household purposes and which meets the definition of a "debt" under 15 U.S.C. §1692a(5).
12. The Debt was purchased, assigned or transferred to Sunrise Credit Services, Inc. for collection, or Sunrise Credit Services, Inc. was employed by the Creditor to collect the Debt.
13. The Defendant attempted to collect the Debt and, as such, engaged in "communications" as defined in 15 U.S.C. §1692a(2).

**B. HARASSMENT AND ABUSIVE TACTICS**

14. Defendant constantly and continuously places collection calls to Plaintiff at 440-453-9921 seeking and demanding payment for the alleged debt.

15. Defendant calls Plaintiff from telephone number 866-257-3632 seeking and demanding payment for the alleged debt.

16. Defendant began calling on or about January 2012.

17. Defendant contacted Plaintiff's boyfriend, Alexander Priel, on January 10, 2012 and disclosed the existence and nature of a debt to both third parties.

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

18. Defendant violated the FDCPA based on the following:

- a.) Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
- b.) Defendant violated §1692b(1) of the FDCPA by contacting persons other than Plaintiff and failing to identify him/herself and failing to state the he/she is confirming or correcting location information concerning Plaintiff.
- c.) Defendant violated §1692b(2) of the FDCPA by stating that the Plaintiff owes a debt in communications with persons other than Plaintiff.

WHEREFORE, Plaintiff, ANDREA RAYBURN, respectfully requests judgment be entered against Defendant, SUNRISE CREDIT SERVICES, INC , for the following:

- a. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,

- b. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
- c. Actual damages,
- d. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
- e. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, ANDREA RAYBURN, demands a jury trial in this case.

RESPECTFULLY SUBMITTED. Dated: October 1, 2012.

BY: /s/ Shawn Cormier-Warren  
SHAWN CORMIER-WARREN  
Ohio Bar No.: 0069558  
14834 Stillbrooke Drive  
Strongsville, OH 44136  
Phone: (216)401-8714  
Email: shawnlawmom@yahoo.com

*Attorney for Plaintiff*

Of Counsel to:  
Alex Simanovsky & Associates, LLC  
2300 Henderson Mill Road, Suite 300  
Atlanta, GA 30345  
Phone: (770) 414-1002, Ext. 1012  
Fax: (770) 414-9891